

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT
OF THE TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Trans Textiles Inc.

Serial No. 76/073,572

Request for Reconsideration

Myron Amer, P.C. for Trans Textiles Inc.

Sonya B. Stephens, Trademark Examining Attorney, Law Office
108 (David Shallant, Managing Attorney).

Before Simms, Hairston and Bucher, Administrative Trademark
Judges.

Opinion by Simms, Administrative Trademark Judge:

On July 5, 2002, applicant filed a request for
reconsideration of the Board's decision issued June 12,
2002, wherein the Board affirmed the refusal to register
applicant's mark VALENTINO CREATION ("CREATION"
disclaimed), for sports shirts, tee shirts, sweat shirts,
and pants, in view of eight registrations, all owned by

Valentino Globe B.V., for the marks VALENTINO, valentino, and other marks containing the name VALENTINO or valentino, for various items of clothing and related services, under Section 2(d) of the Act.

Essentially, applicant argues that the Board's decision is incorrect because of nine third-party registrations containing the name VALENTINO, such as GIOVANNI VALENTINO, MARIO VALENTINO, VALENTINO GARAVANI V, HUGO VALENTINO, RODOLFO VALENTINO and OSCAR VALENTINO, demonstrating that this name is in common use in trademarks for clothing.

As the Board indicated in its decision, the existence of these third-party registrations apparently held by different entities does not justify the registration of a confusingly similar mark. It is well settled that third-party registrations are not evidence of use of those marks, or that the relevant consumers have been exposed to them. See *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542 (Fed. Cir. 1992) and *AMF Inc. v. American Leisure Products, Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269 (CCPA 1973). Compare also *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001) ["Even if some prior registrations had some characteristics similar to [applicant's] application, the PTO's allowance of such

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prior registrations does not bind the Board or this court"]. Furthermore, unlike applicant's mark, which contains the name VALENTINO and the disclaimed descriptive or generic word "CREATION," those registered marks all contain another name, helping to distinguish the source of those goods or services. Suffice it to say that we see no error in the decision complained of, and deny applicant's request for reconsideration.